IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1193 OF 2003

Manugraph Industries Ltd. ... Petitioner

V/s

Manu Enterprises & Group Employees Union & ors. ... Respondents

Mr. V.P. Vaidya for the petitioner.

Mr. M.D. Nagle for the Respondent No.1.

CORAM: P. V. KAKADE, J.

DATED: 16TH NOV., 2005

P.C.:

1. Heard learned counsel for both parties.

2. By this writ petition, the order dated 10.3.2003 passed by the Member, Industrial Court, Bombay, in pending matter i.e. Application (MRTU) No. 5 of 1995 for recognition of union contemplated under Sec. 11 of Chapter III of the MRTU & PULP Act, 1971, is challenged. By the said impugned order, the non-applicant Companies are directed to produce documents at Sr.Nos. 3 to 11 mentioned in Exh.U-7. However, the prayer for

production of other documents at Sr.Nos. 1 and 2 of Exh.U-7 was rejected and non=applicant companies were directed to produce the said documents within one month from the date of the said order. This impugned order is challenged in this present petition.

3. After hearing both parties exhaustively and taking into consideration the relevant aspects involved in the dispute as pointed out by the learned counsel for both parties, I am satisfied that the matter can be resolved with certain directions to the lower Court to adjudicate the entire dispute on the basis of certain issues instead of allowing the parties to have another round of litigation thereby protracting the entire adjudication process.

4. Therefore, without further elaboration with regard to the submissions on the legal aspects, it is hereby directed that the Member, Industrial Court, Bombay, shall adjudicated the proceeding of application under Sec.11 itself (i.e. Application (MRTU) No. 5 of 1995) expeditiously raising all the relevant issues including the following issues:-

(i) Whether a single application for

recognition under Sec.11 in respect of several employees is maintainable ?

(ii) Whether the applicant union proves that any of the non-applicants employs more than 50 employees to attract Chapter 3 of MRTU & PULP Act, 1971 ?

It is further directed that these two issues have been treated as preliminary issues and be adjudicated expeditiously so as to dispose of the entire proceeding within eight weeks from the date of receipt of the writ of this Court.

With this direction, the petition stands disposed of with no order as to costs.

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